VOL. LXIV-No. 276

r OPULATION 29,685

NORWICH, CONN., TUESDAY NOV. 14, 1922

TEN PAGES—70 COLUMNS

CICE TWO CENTS

DEADLOCK THREATENS REPARATIONS COMMISSION

After Three Hours of Discussion as Far From Agreement as When the Session Began-New Reparations Proposal Considered in Germany Are Based on Readiness of the Reichsbank to Participate in an International Loan to Stabilize the Mark-Violent Attack in French Deputies on the French Financial Administration.

POINCABE OFFERS TO MEET

probably would be present.

IN FULL SWING FOR

The premier declares such an inter-

At the French foreign office the situa-

London, Nov. 13 .- (By the A. P.)-

He travelled to North England.

infuse the spice of interest in his speech-

It is possible that votes that would

EARTHQUAKE IN CHILE

The suburb of

Santiago, Nov. 13.—(By the A. P.)— The homeless at Coquimbo and vicinity number 3,560, according to official des-patches, which do not estimate the num-

Despatches confirm the quake's destructive work at Coplano and Chanaral,

Nearly all the dwelling houses at Co-

riapo were levelled.

The Chillan government has asked

congress to grant 1,000,000 peacs for the relief of the stricken districts and 500,-

Schwartz, mother of five children, must

moonshine, Judge John Sanborn in distric

court ruled today.

Mrs. Schwartz was the third woman to

receive a ninety day sentence to the city institution within a week.

who was struck by

000 pesos to re-establish the public se

MOTHER OF FIVE JAILED FOR

Firemen and Boy Scouts are aid-

ber of dead from the earthquake

ing destitute."

nowski, aged 7,

otherwise have been given to labor may

sistently refused to enter into any

Saturday.

tivity.

way.

Paris. Nov. 12 (By the A. P.)—The reparations commission at eight o'clock for influencing that indication of conditing evening, after three hours of discussion of the situation of Germany, financially and economically, as viewed during its recent visit to Berlin, found itself just as far from agreement as when the session began. The American rupt if Germany failed to pay, but he anofficial representatives, Roland W. Becklers and Colonel James A. Logan possibility." anofficial representatives, Roland W. declared b. Boyden and Colonel James A. Legan, possibility."

Jr., participated in the session.

A deadlock in the commission again seems imminent, although it is reliably WAR DEBT INTEREST reported that M. Earthou, the chairman has been favorably impressed with the proposed solution contained in the report of the foreign experts who recently went to Berlin to study the situation. It is stated that Premier Poincare insists upon the imposition upon Germany of rigid guarantees before everything eige It is suggested in one quarter that the reparations problem might be left in suppense until the inter-allied sonference at Brussels on the question of reparations and inter-allied debts is held. American debt commission is authorized to fund foreign debts at 4% per cent. reported that M. Barthou, the chairman

but those members of the commission to fund foreign debts at 4½ per cent.

who can see no good in delaying the present conference are urging a decision by the commission. The fear of the present conference are urging a decision by the commission. The fear of the collapse of the present government in Berlin is also considered a factor which it is argued should hasten some conclusion of the reparations question.

REICHSBANK OFFER 368,000,000

REICHSBANK OFFER 500,000,000 MARK LOAN TO GERMANY

farlin, Nov. 13 .- (By the A. P.) -The German government tonight forwarded a formal note to the reparations commission in Paris informing the commission that the reichsbank is prepared to advance the German government 500,000,000 gold marks toward a loan to stabilize the mark, provided an equal amount is forthcoming from abroad and subject to the conditions proposed by the foreign financial experts who recently visited Berlin, as essential for the success of the stabilisation project.

The rate of the Wirth government to-night seemed t odepend on the chancellor's ability to effect an early reconciliation between the United socialists and the German people's party by inducing the latter to make a specific declaration of its attitude on the stabilization program demanded by the radicals as one of their conditions to further participation in

he present condition.
The conditionists tonight passed a resolution to remain out of any cabinet which failed to designate stabilization as cardinal feature of its program, thereby putting the issue up to the people's party, earlier in the day informed the government in any official capacity, or even to permit two of its members to become ministers without holding themselves accountable to the warm.

ter-party deliberations, reichstag circles tonight were more optimistic regarding the chancellor's ability to appeare the socialists and to smooth the path for the people's party's entry into the govern-ment in view of the formal note which the government sent the reparations

AN ATTACK ON THE PRENCH . FINANCIAL ADMINISTRATION at Dundee today.

ent attack on the French financial ad- provided its opponents with what they ministration, well spiced with internal consider their best campaign ammunition, collides, threatened several times toministration, well spiced with internal night to precipitate a cabinet crisis. In unionists and Asquithian liberals all the chamber of deputies. Premier Poin- join in attacking labor for its advocacy of care came post-baste to the chamber, a capital levy and nationlistion of inbut only to find that his adherents, as dustries.

several times in the recent past, had The labor leaders quickly realized that allied about the government and that open advocacy of a capital levy had been for the moment there was no danger, a mistake in tactics, in the opinion of most Maurice Bokanowski, reporter of the observers it has lost them an enormous chamber's finance committee, dissected sumber of votes by frightening the lower the work of the ministry of finance af- and middle class, who might have voted ter Charles De Lasteyric, minister of finance, had finished an or mistic speech return of a coalition or a conservative in which he said that he had no worry government.

about the deficit of four billion francy in the ordinary budget of 1323 because is likely to secure a much larger representant collections would exceed the esti-When the minister had conclud- parliament. ed M. Bokanowski rose and said:
"We do not refuse to pass the budget; we simply demand that the gov-erament give us another one." He in-sisted that this physical should really als gain, and although labor has con-

balance. The dapary then bitterly at-tacked the government's failure to col-lect taxes from farmers.

M. De Lasteyrie replied with a patriotic eulogy of the foliate of the soil as
the backbone of the country. The debate developed into a wordy exchange
between the minister find the committee's spokesman, during which M. De
Lasteyrie recinige. M. Bekanowski that
he was optimistic at year. He asked
the deputy why the committee aprung a
surprise offensive at the last moment, 3,566 MADE HOMELESS BY when it had had the budget for study several months ago.

NEW BAPARATIONS PLAN . CONSIDERED IN GERMANY

win. Nov. 15 .- (By. The A. P.)tidal wave of Saturday. The Victoria has been destroyed. The German cabinet, according to the Achtuhr Abendiatt, has decided to make as wproposals to the allied reparations commission based on the readiness of the latter place being without food and the reichsbank to participate to the ex- Copiapo in dire need of medical assistent of several million gold marks ,in an international loan to stabilize the mark.

PRENCH MINISTER OF

FINANCE NOT WORKIED Faris, Nov. 13.—(By The A. P.)— Charles De Lasteyrie, minister of finance, loday told the chamber of deputies that a deficit of four billion france in the ardinary 1923 budget did not worry him, because he was confident that better tax sollections would yield 1,500,000,000 rancs more than was estimated on in-tomes and inheritances, with a like amount on the business turnover tax. amount on the business turnover tax an increased yield over taxes. The min-ister added that it was the twenty bil-iten france to be spent and chargeable to Bermany, for which there was no in-

some, that ought to give parliament concrybody with had exchange, said the hee minister, desires it stabilized, in New Britain and pleaded not guilty to me it what does that mean?" he asked, a charge of mansiaughter growing out of we means the stabilizing barometer of the death last night of Ludwig Pierza-But what does that mean?" he asked. hange is simply an indication of con-It is an effect, not a cause. Daneck's automobile,

Insurance Companies Fined \$8,055,075

Eight Fire Companies, With Home Offices in Hartford, Penalized \$1,241,400 by Mississippi Supreme Court.

Hartford, Conn., Nov. 13 .- Eight fire penalties, affirmed by the chancery di-vision of the Mississippi supreme court, affecting 130 fire insurance companies, for alleged conspiracy in attempting to control rates. Another company which s about to make its home office here was fined \$195,875, and an insurance company with its home office in New Haven, was fined \$63,950.

It was stated in insurance circles this afternoon that it is expected the com-panies affected will appeal the declaion to the supreme court of the United States and the Hartford companies may with draw entirell from the Mississippi field.

DOUBT WHETHER \$8,055,975 IN FINES ARE COLLECTIBLE WAR DEBT INTEREST NOV. 15

Miss. Nov. 13 .- The suprecourt of Mississippi today affirmed the decision of Chancellor V. J. Stricker imposing fines and penalties amounting to \$8,05,075 on about 1310 fire insurto \$8,055,075 on about 1310 fire insurance companies formerly operating in
this state and against whom State Revenue Agent Stokes V. Robinson two
years ago filed suit in the chancery
court of Hinds county charging them
with violation of the anti-trust laws of
the state by conspiring to control rates
Attorneys for the insurance companAttorneys for the insurance companthe state by conspiring to control rates Attorneys for the insurance compan-les announced they would file a suggestion of error. Lawyers expressed opinion today that the amount involved in today's decision would never be colagents within the state

CLEMENCEAU REPLIES TO A WIRELESS MESSAGE

On Board the S. S. Paris, en route to New York, Nov. 12 (By Wireless to the A. P.)—Former Premier Clemen-BRITISH FOREIGN SEC'Y coau reacted promptly today to a wire Paris, Nov. 13 (By the A. P.)—Premier Poincare, to satisfy Lord Curzon's
insistent demands for a conference preliminary to the Lausanne meeting, has
offered to meet the British foreign secoffered to meet the British foreign sec-

Americans, not to argue with French-men," he commented. "I can have an the debates I want with them back retary either in Paris or Lausanne on view could be arranged despite the ap-pointment which he already has to seet Foreign Minister Jaspar and Premier Everybody aboard ship was up ear again this sunshiny morning to greet Theunyls of Belgium here on that date. Premier Mussolini of Italy, it is said

the "Tiger" on his usual three or fast trips around the deck, but M. menceau overslept, not rising until 6,30 will be from New York to San Diego, At the French foreign office the situa-tion in Constantinople is considered casier. It is understood the Turkish peared interested in what the world representatives there have acopted a shore was doing and asked the news-more accommodating attitude. WING FOR M. Clemencau took lunchesh today
ELECTIONS IN ENGLAND at the captain's table, smiled occasion-

ally, but had little to say. Then he went off to his cabin, taking with him Election oratory was again in full as a good soporific a book condemning swing today. Premier Law, recovered his Turkish policy. It was not expect-from his indisposition, addressed a meet- ed that he would come on deck again and the ship's crowd amused itself

Mr. Lioyd George shows undiminished ENLISTED FORCE OF NAVY energy, surpassing all competitors in ac-

addressed little gatherings on the Washington, Nov. 12-An enlisted pree of 86,000, the same as now, is pro-All the great leaders, however, have vided for in the budget bureau's preliminlong since exhausted anything in the shape of novelty in their various advoary nav yestimate for the next fiscal year sent today to the house appropriations cacles, with the possible exception of Winston Churchill, who, is still able to sub-committee, which will begin the work of framing the 1923 supply bill tomorrow. Members of the committee indicated es. He is perhaps, more a victim of heck-lers than the others and was howled down hat the figure would be accepted, since he house had insisted on it last winter after a thorough investigation of navy As the campaign ends it is interesting department needs. With the committee how the labor party has unwittingly be put through the house in December vithout a fight.

WARNS POLITICAL PARTIES.

TO RESPECT THE VOLSTEAD ACT Philadelphia, Nov. 13 .- Successes of opinion of Bishop Adna W. Leonard, of San Francisco, who today ad meeting of Methodist clergy.

"The Voistead law will never be ma-terially changed," the speaker said, no for labor as the only alternative to the matter what influence is brought bear by the bootleggers. The political party that tampers with this law will Yet, it is universally agreed that labor sound its own knell

THAT REPORTED FIRE

Norfolk, Va., Nov. 13.—Coast guar-officials here were still without informa tion today as to the identity of a steam ship which reported by wireless Satur-day that she was afire 75 miles southeast of Cape Hatteras. The coast guard cutter Manning proceeded to the seene, but reported it could find no trace of

teamer by wireless have been unsuccess-

CRUCIBLE STEEL SHOWS HEAVY LOSS IN EARNINGS

New York, Nov. 13.—The Crucible Steel company of America shows a defi-cit of \$3,769,517 including \$4,749,317 in unearned dividends paid in its annual re-port of operations for the year ending August 31 as compared with a profit of \$5,547,245 for the preceding year. The operating loss for 1922 was set down on \$2,165,767 after adjustment of inventories. company has a surplus of \$20,008,

SEIZED COAL ON ESTATE OF J. PIERPONT MORGAN

Newburgh, !N. Y., Nov. 13 .- William R. Perkins, Orange county fuel adminis-trator, today began distribution among residents of Highland Falls, 353 tons of stitutional work of any church in the catalt of J. Plerpont Morgan in that village. Investigation of accomplete the state of J. Plerpont Morgan in that village. Investigation of accomplete the state of J. Plerpont Morgan in that village. lage. Investigation of complaint that only eighty-five tons of coal had been received in Highland Falls in three months, Mr. Perkins said, disclosed that MANUFACTORING MOONSHINE St. Paul, Minn., Nov. 18 .- Mrs. Sadie 438 tons had been delivered to the Mor-gan estate. This was removed. serve ninety days in the work-house and pay a fine of \$150 for manufacturing

KIDNAPPED MISSIONARY

HAS BEEN RESCUED salem. Shanghal, Nov. 13 (By the A. P.)-

BRIEF TELEC Funeral services

John E. Blaney, accident at Hart ducted at Mito yester

P. H. Conn. J. Danbu yesterday.

Danbury, forme

labor commissioner William S. Hyde an deputy factory inspector at \$2,000 a year

The body of a man, killed in an neciient in North Haven, was identified as hat of Olymia Bugaioi of Montowese, Bugaloi was instantly killed when be was struck by an automobile,

John Goehring of Rockville was found neurance companies having their home dual in his home by his brother Jacob, offices in this city were fixed 1,241,400 who discovered him in a room with the out of the total of \$8,055,075 fines and gas jet open. Police reported the death The Turkish nationalist leaders ex

pressed resentment over what they termed American interference in Turkey's internal affairs contained in a note received from Secretary of State Hughes, A 10 per cent. increase in wages to all

piecework, beginning with yesterday, was announced by the Sessions Foundry Co., Bristol. There are 400 empolyes. Ship subsidy, so far as the house oncerned will form the backbone of the

employes, including those on day and

egislative program for the extra session called for November 20 by President Harding. A Sunday closing law in Birmingham. Ala., has been applied to traveling men's sample cases, it was learned, when an or

a preventive measure. Rodman Wanamaker, vice president in today's decision would never be col-lected as the companies no longer have and Philadelphia and a special deputy commissioner of New York, is se riously ill.

> Motion picture films featuring Roscoe "Fatty" Arbuckle, from which the pro-ducers had hoped to coin about \$2,000,-000 have been permanently scrapped. the Paramount Pictures corporation an nounced.

Violation of prohibition laws was at tributed by John D. Rockefeller, Jr., in speaking to his men's Bible class at the Fifth Avenue Baptist church, New York, to choose which laws to observe and which to break.

Lieutenants Oakley Kelley and John MacReady are planning to make their next attempt to fly across the continent in an airplane without a stop, shortly after the first of the year. The route

vessels to foreign flags will be considered by the shipping board only where the transferee makes binding agreement great disaster for the Greeks.
that the ships will not be used to carry Turkey, he said, sent ministers to intoxicating liquors any kind to be London and did everything within her from the United States. The bodies of John and Charles Davis.

brothers living together in a small all gone; we had to build anew and make house on the outskirts of Oxford, N. H., a new life for Turkey, the national spirit were found with the heads smashed by rose high; it surmounted the efforts of blows from an axe when a third brother, the sultan to prevent independence and Prescott Davis, of Harwich, Vt., and progress in Turey and made military ophis wife arrived for a visit.

Ismar S. Ellison, founder, with late Oscar Hammerstein, of the United States Tobacco Journal, died at his home at ease. He stood and sat by turns in New York. He was born in Gerduring the conference and frequently many in 1847 and came to America when ! joked with the correspondents, although

the constitution designed to eliminate over railroad lines damaged during the as white and to deny it to all who could all distinction between the rights of the sexes was decided on at the closing sessex was decided on at the closing sexes was decided on at the closing session of the conference of officers of the had signed the Mudania armistice in that the framers (of the law) did not National Women's party in Washington.

Kelly Tire Co., in West Haven, a concorn ruler, Ismet told the correspondents be-whose affairs were in the bankruptcy cause he engaged in politics, thwarted their ambitions for better government and Three lurers have been accepted ten-

tively in the case at Marion, Ills., of five men charged with murder in connection the democratic part in the recent election men charged with murder in connection will not affect the Volstead law in the with the Herrin mine killings last June when court adjourned late yesterday a after scores of veniremen had been questioned and excused.

Carl Stearns, Boston newsboy and member of the Harvard freshman class, has been awarded the Boston newsboy's scholarship, which pays cost of tuition for first year only, the Harvard corpora-

Payment of adjusted compensation to former soldiers and sallors at the expense of beneficiaries of the Fordney-McCumber tariff bill was urged in an Armistice day address in Fullerton, Cal., by William G. McAdoo, former secretary of the treasury.

A change of venue in South Bend, A change of venue in South Bend, The case, set for hearing today be set suit for divorce from Professor fore Federal Judge James H. Wilker her suit for divorce from Professor John P. Tiernan, University of, Notre Dame law instructor, who recently charged that Harry Poulin was the father of Mrs. Tiernan's third child.

A bill providing that persons who anything purporting to be drinkable al-coholic liquor that kills the drinker shall be classed as murderers and punished according is to be submitted to the next New York legislature by the Anti-Saloon League of New York,

Attorney General Hopkins, of Kansa icelared that the attorney general's office will not participate in the trial of William Allen White, Emporia editor, for displaying fifty posters expressing sympathy for the strikers during hopmen's strike.

Mrs. Stephen Harkness has premised conditionally to give \$750,000 to the Fifth Avenue Presbyterian church, New York, toward a building fund for the erection

The government of Palestine has in vited governments which are members of the league of nations and the archacological societies of the United States, engaged in excavations in Pal-estine to aid in the task of excavating the site of the city of David in Jeru-

The books of the Merchants National H. E. Ledgard, member of the China bank of Burlington, Vt., of which Lo-inland mission at Shangtsalhsien, who renzo E. Woodhouse, of New York, is was kidnapped by bandit forces of Ho-nan October 28, has been rescued at Lo-terday in the \$1,000,000 suit brought nan October 28, has been rescued at Lo-wang, in Honan province, according to a message received today from Yen-cheng. The message gave no details of Woodhouse, for alleged alienation of her the rescue,

About Constantinople

Have Decided to Make No More Provocative Gestures ne Conference.

Constantinople, Nov. 13 .- By the A P.) There was an appreciative stacks ing today of the tension which prevailed during the week-end over the successive demands of the Kemalius for greater control of Constantinople.

Although no official announcement was made, it was stated in allied circler that soler reflection by the Turks had caused them to decide to make no furthe ovocative gestures before the opening the Lausanne conference. Thus, while the situation continues un retain, it is felt that the peril of a rupture has momentarily been averted.

Nevertheless, a persistent impression

prevails in some quarters that the allies may find it expedient to evacuate the capital before peace is concluded. Meanwhile the economic situation crows worse; prices of foodstuffs are steadily souring; business houses coninue to suspend, their owners departing wing to the unwillingness of merchants import further merchandise, supplies tre running short: there is only a twen ty days' supply of the principal food-stuffs. The Greek and Armenian em-ployes of American firms are leaving their posts, seriously hampering opera-tions, and thousands of depositors are withdrawing their funds from the banks.

TURKEY DEMANDS RIGHTS OF A RESPONSIBLE GOVERNMENT

fearing seizure by the Kemalists.

Lausanne, Switzerland, Nov. 13 .- (By the A. P.).—Turkey demands merely that it be dealt with as a government found-ed as other responsible governments are, and that it be allowed to enjoy the same rights in its international relations. This in brief, was the statement made today to the representatives of the world's press by General Ismet Pasha, head of he Turkish delegation, when asked what Turkey's demanos will be in the near ast conference here.

Ismet took occasion to deny the re-ported wholesale atrocities against the Greeks, and said there had been an or-ganized effort to stultify the Turkish nationalists in the eyes of the western world. The Turks, he said, protected women and children in their movement against Smyrna, aid avoided loss of life as far as possible.

He painted a black picture of the waste and destruction that surrounded Turkish people at the close of the great war, and maintained that, after signing the treaty of Sevres, they tried to restore their country by pacific means and accepted the allied terms in good faith. Applications for transfer of American The Greeks, however, he declared, did not abide by the terms, and forced Tur-key into a war which developed into a

> power to prevent war with Greece, "We were in a wretched state," Ismet dded. "Our own organizations were added.

position to the foreign aggression possi-

he was suffering from a heavy cold and apparently badiy exhauted by his ten day Drafting of a proposed amendment to trip from Angora, much of which was the constitution designed to eliminate over railroad lines damaged during the good faith but that it had been broken Word was received in New Haven of the death in Auburn. N. Y., of Edward
J. Kelly, who was formerly head of the nize the present sultan as their temporal forfeited their respect. Consequently for the purpose of bringing about an ef-Consequently, ficient democracy in Turkey, the Angora government recognized the present sultan only as caliph, or religious head of the Moslem world, and conceded his right to remain in Constantinople merely as such, "To the Moslem world, the caliph is not so much a person as he is a concept, or ideal,' the general explained,

CASE INVOLVES TRADING IN GRAIN FUTURES

Chicago, Nov. 13 .- The Chicago board of trade's bill to restrain enforcement of the Capper-Tincher bill, regulating trading in grain features will be heard in the U. S. district court and not in the supreme court, it was announced to day by District Attorney Charles 1 Clyne, after he held a long distance telephone conversation with Secretary of Agriculture Wallace.

son, was continued until tomorrow to give counsel for both sides the oppor-tunity to select the trial court. Fourteen affidavits by college profes-ors were filed today by Henry S. Rob-ins, attorney for the board of trade, all of which upheld dealings in futures, de ciarin git tended to stabilise the market and seldom resulted in hardships

producer. The board of trade seeks an injunc-tion on the ground that the Capper-Tin cher bill gives unwarranted power to the secretary of agriculture and that it attempt ato regulate as interstate commerce a trade that is exclusively conducted within a state.

Excerpts from the affidavits filed by

Irving Fisher, professor of political eco-nomy at Yale; James M. Boyle, profes-sor of rural economy at Cornell, and Phomas R. Carver, professor of politica rhomas R. Carver, protessor of pointeal economy at Harvard, representatives of the remainder follow: "It is my opinion," Professor Pisher's affidavit read, "that sudden or unreas-onable fluctuations in prices of grain do

not frequently occur as the result speculation, manipulation or control of prices in transactions in future trading upon such exchanges, and that such fluctuations as do occur in prices in such future trading are not unusually detrimental to producers or consumer Consequently future trading has had a tion," Webb said. marked tendency to stabilize the market prices."

Chauncey L. Platt

South Norwalk, Nov. 13.—Chauncey L. Platt, said to be the youngest Civil war veteran in the United States, died

Turks Less Insistent JAPANESE NOT TO AMERICAN CITIZENSHIP

Before Opening of Lausan- U. S. Supreme Court So Construes Federal Statute Bearing on the Subject-With the Exception of Aliens of African Nativity or Descent, the Privilege of Naturalization is Confined to Free White Persons, and is Denied to the Brown or Yellow Races of Asia-Test Case Was Brought in 1914 by Takao Ozawa, a Japanese Salesman, Who Applied for Citizenship in Honolulu.

> Washington, Nov. 12.—Japanese can- him to participate to the fullest degree not be naturalized in the Enited States in the decision of cases which had been and cannot become citizens of this coun- presented to the court while he was a the sourceme court of the U. S. de- member try, the supreme court of the E. S. de-cided today, in its first construction of federal statutes bearing on the sunject. The decision was the first delivered by finalce Sutherland as a member of the court and was handed down in a case

reached for argument during the conference on limitation of armanent and Far Eastern questions its consideration was postioned at the request of the department of justice. No reference is to be found in the decision to "gentlements agreement" under which Japanese immigration in the decision to be found in the decision to "gentlements" agreement. ration into the country has been regu-

The government did not object to the recument of the case when it was reached it this term, and the court advanced and eard at the same time the case brough Takaji Yamashita and Charles Histono, against the secretary of state at Washington. In the latter case the two Japanese had been naturalized by a su-perior court of Washington prior to 1996, the date of the present federal nattralization statute, and at a time when t was conceded section 2169 of the revised statutes, which restricts naturallzation to "free white persons" and those of African birth or descent, was in full

In the Onawa case the court stated but "there is not implied-either in the legislature or in our interpretation of it any suggestion of individual unworth-iness or radical inferiority. These con-siderations are in no manner involved." It also referred to the 'complimentaary' erms used in describing in the papers resented to the court "the culture and enlightenment of the Japanese people." Vitn such an estimate, the court said, t had "no reason to disagree." Such matters, however, Justice Sutherland sought out and found all the golden stated, could not enter into the decision of the music Fuccini has wrought the case. "We have no function in the around the grim Sardou play." matter," he said, other than to ascertain he will of congress and declare it.

The court stated that "in all of the ager. Scott, who same the willy Scar-naturalization acts from 1750 to 1206, the pla on Tosca's first American presenta-privilege of naturalization was confined tion, in February 1301, again sang the The court stated that "in all of the o white persons (with the addition in role tonight. Martinelli was Mario, Sig-1870 of those of African nativity and descent) although the exact working of the various statutes was not always the PLEA FOR ACQUITTAL OF

"If congress in 1906," it added, desired to alter a rule so well and so long es-tablished it may be assumed that its tablished it may be assumed that its acquittal of Mrs. Clara Phillips. on trial purpose would have been definitely dis-for the murder of Mrs. Alberta Meadows, put in unmistakable terms. The court discussed whether Japanese

are "free white persons" within the meaning of the statute and held it was the intention of congress, "to confer with the privilege of citizenship upon that class of persons whom the fathers knew

have in mind the brown or yellow races of Asia. It is necessary to go raty. and be able to say that had these par ticudar races been suggested the language of the act would have been so varied as to include them within its privileges. * * If it be assumed that the opinion of the framers was that the only persons who would fall outside the designation 'whites' were negrous and Indians, this would go no farther than to remonstrate their lack of sufficient information to enable them to foresee precisely who would be excluded by that term in the subsequent administra

Having ascertained whom congress in ended to include "it follows" the court added, "as a necessary corallary, that all others are to be excluded."

TEST CASE BROUGHT BY A JAPANESE SALESMAN

Honolulu, Nov. 13 .- (By The A. P.)-The legal attack of Takao Ozawa, Japan-ese salesman for a large wholesale firm here to gain American citizenship launched here several years ago, is said to have drawn financial drawn financial support from the Jap-anese colony in the effort to make it a test case.

Among other contentions, Ozawa advanced the claim that he is "white" and in an effort to prove his point he traced the history of the Japanese nation back-ward for several thousand years to the Linu tribe.

Ozawa, who is well educated, and speaks excellent English, came to Hawaii while a young man. One of his claims was that he had taken special care to educate his children in the American pub-lic schools of the territory and to fa-miliarize them with American customs and ideals in order that they might become loyal American citizens. His serted that his children had not taught the Japanese language and that nothing that pertained to Japanese had permitted to enter their education or religion.

DECISION PROTECTS LAND LEGISLATION IN CALIFORNIA

San Francisco, Nov. 13,-The fate of all of California's land legislation rested on today's decision of the United States supreme court denying naturalization to Japanese, it was said today by Attorney General U. S. Webb.

General U. S. Webb.

"Had the court decided that Japanese could be naturalized, all of our allen land legislation would have fallen, for there is no way in which we could have classified naturalized Japanese under such legisla-

JUSTICE DAY TO GO ON THE RETIRED LIST TODAY

Washington, Nov. 12.—This was "clean-up" day in the supreme court which endeavored to dispose of as large a number as possible of the cases which had been heard at the presen term. Three weeks ago the court look an unusually long recess with the knowledge of the contemplated resignation of Associate Justice Day. This was done to enable

brought by Takao Ozawa, who in 1914 applied for citizenship in Hawaii.

The ruling is expected to attract wide attention not only in the United Statea, but abroad. The case long has been pending in the court, and last term when reached for argument during the conference on limitation of armanent and

RESILLIANT OPENING OF THE METROPOLITAN OPERA SEASON

New York, Nov. 15,- To Marie Jerit. xa, the sensational coloratorus f Vienna, who captured New York storm last season, fell the honor

nigh tof opening the 1922-23 Metropoli-tan opera season, Singing the Utic role in Tosca, this ragic opera for many years linked with he name of Geraldine Farrar, the newer star carned a tremendous ovation

from the first-nighters.

Tonight's opening was the usual brilhorseshoe sparkled with all its old-time charm of pretty women and distin-guished men-the women in rare gone and costly gowns, and tional black and white, halconies and

Orchsetra, partette, halconies and gallery were crowded too, and there were the usual hundreds of music lov-ing standees—and the claques. This time, there were not any Gerry flappers in the claques, or if there were, they kefe client before Jeritza, who had risen to the place of their ido.

There the voices of Gerry flappers were stilled, those of the followers of the vivacious Viennese were not. Hers was a great reception—a tribute to the ne wand vivid "Tosca," whose voice

It marked Gatti-Casazza's beginning of the fifteenth season as general man-

Los Angeles, Nov. 13 .- A plea for the Peggy Caffee, the state's star witness, who beat Mrs. M-adows to death with a hammer, was made to the jury today by Bertram A. Herrington, defense at

MRS. CLARA PHILLIPS

orney. "Peggy Caffee struck the mortal blow, Herrington declared, "It was not the defendant here but Peggy Caffee and she alone that caused the death of Alberta Meadows. We do not know who mutilated the body after the death blow was struck, but such mutilation does not make anyon equilty of a crime." The case is expected to go to the jury

TO ARGUE CASE AGAINST PENNSYLVANIA COAL TAX

Washington, Nov. 13 .- All of the New England states, together with New York, New Jersey and Delaware, joined in a motion in the supreme court today, made by Attorney General Allen, of Massachusetts, for leave to file briefs and present oral arguments in the case brought by Roland C. Heisler to take the constitutionality of the Penrisylva-nia state law imposing a tax on an-thracite mined in that state. The requests were granted and the case was set for argument this week and proba-bly will be reached tomorrow. It involved a question as to how far states can go in imposing production taxes on products before they enter interstate

RECOUNT IN BAY STATE

commerce,

SLIGHTLY CHANGES FIGURES Boston, Nov. 12 .- Recount of the vote for U, S. senator in last Tuesday's election, which was well advanced tonight throughout the state, had changed only slightly the figures that entered into the press plurality of 8,425 for Senator

Henry Cabot Lodge, With returns from the recount in 51 cities and towns complete Colonel Wijliam A. Gaston, democratic opponent of the senior senator, had made a net gain of 690 votes. This represented gains of \$11 and losses of 23 for Colonel Gaston, and

gains of 101 and losses of 413 for Senz-

HARRY F. MORSE'S HEARING IN NORWALK NOVEMBER #1

Bridgeport, Nov. 12 .- Counsel for Harry F. Morse of Greenwich, son of Charles W. Morse, who is under bonds to face a charge of conspiracy to defraud by use of the mails, announced today that a hearing on the habeas corpus writ signed some time ago by Judge Edwin S. Thomas of the United States district court would be held at Norwalk at 10.45 s. m Nov. 23. Through the writ Morse seeks a dismissal of the charges, while the government opposition is to have him held for trial. The hearing was set for last Friday, but was postponed by order of Judge Thomas on account of pressure of other court business.

MONSIGNOR BONZANO TO BE ELEVATED TO CARDINALATE

Washington, Nov. 12.-Official notice was received from Rome today by Mon-signor John Bonzano, apostolic delegate to the United States, that he is to be ef-evated to the cardinalate, at a consistory which meets December 11. He will leave Wednesday and sail from New York on the steamer Providence. Pending the appointment of a new delegate, the Rev. Aloysius Cossio, auditor of the delegation, will be in charge here.